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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,617	12/18/2000	Victor Kouznetsov	002.0181.01	9890
28875 7590 07/17/2006				
Zilka-Kotab, PC				
P.O. BOX 721120				
SAN JOSE, CA 95172-1120				
EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,617

Applicant(s)

KOUZNETSOV ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-10, 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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#### DETAILED ACTION

##### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2006 has been entered.

##### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 5, 7-10 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

##### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 7-10, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (US 6,338,141 B1).

5. In regard to claims 1, 10 and 19-20, Wells disclosed:

*a structured virus database storing one or more virus definition records, each virus definition record comprising:*

*an identifier uniquely identifying a computer virus; (column 7, lines 1-14)*

*at least one virus name associated with the computer virus; (column 7, lines 1-14)*

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a virus detection sentence comprising object code providing operations to detect the identified computer virus within a computer system; (column 2, lines 27-39) and

a virus removal sentence comprising object code providing operations to clean the identified computer virus from the computer system (column 2, lines 47-67);

a client database engine storing at least one updated virus definition record into the structured virus database indexed by the identifier and the at least one virus name for each virus definition record (column 2, lines 11-14; column 2, lines 27-39);

a converter converting the virus definition records stored in the structured virus database into a virus data file comprising virus definition sets, each virus definition set comprising:

binary data encoding instructions to detect the computer virus within a computer system, wherein the instructions comprise the object code to detect the identified computer virus (column 9, lines 58-67);

binary data encoding instructions to clean the computer virus from the computer system, wherein the instructions comprise the object code to clean the identified computer virus (column 9, lines 58-67); and

names associated with the computer virus (column 9, lines 58-67);

a client anti-virus language decompiler converting each virus definition set in the virus data file into a virus definition record; (column 9, lines 58-67) and

a server database engine comparing subsequently modified versions of the structured virus database to form a delta set of virus definition records, wherein the client database engine stores the delta virus definition records set into the structured virus database (column 9, lines 11-20);

wherein the server database engine builds the virus definition records into the structured virus database by generating the identifier for each virus definition record and populating each virus definition record with the virus definition sentence and the virus removal sentence for the computer virus (column 9, lines 11-20);

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wherein at least one of the database engines accesses the virus definition records in the structured virus database to perform at least one of adding, removing, and replacing a virus definition record (column 9, lines 46-49).

6. In regard to claim 5, Wells further disclosed:  
a server anti-virus language decompiler converting each virus definition set in the virus data file into a virus definition record (column 9, lines 58-67).

7. In regard to claims 7 and 16, Wells further disclosed:  
a compression module compressing the structured virus database prior to transfer (column 6, lines 43-51); and  
a decompression module decompressing the structured virus database subsequent to transfer (column 6, lines 52-61).

8. In regard to claims 8 and 17, Wells further disclosed:  
an encryption module encrypting the structured virus database prior to transfer (column 7, lines 52-56); and  
a decryption module decrypting the structured virus database subsequent to transfer (column 7, lines 52-56).

9. In regard to claim 10, Wells further disclosed:  
the structured virus database is a relational database (column 4, lines 10-15).

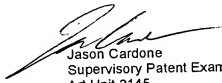
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
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